

JUN 07 2006

## ROBERT W. STROZIER, P.L.L.C.

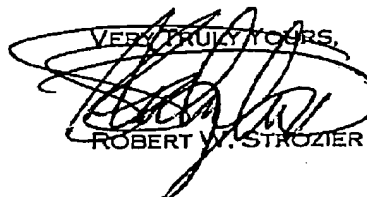
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## FACSIMILE TRANSMITTAL

To: Examiner CL Smith  
Of: USPTO  
FAX: 571 273 8300  
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PAGES: 20 INCLUDING THIS COVER SHEET.  
DATE: 6/7/06

THIS FACSIMILE CONTAINS ATTORNEY-CLIENT COMMUNICATIONS. IF YOU ARE NOT THE DESIGNATED RECIPIENT, PLEASE CALL ME AND I WILL INSTRUCT YOU ON THE PROPER METHOD OF DESTROYING THE COMMUNICATION.

IF YOU HAVE ANY QUESTIONS OR COMMENTS, PLEASE CONTACT ME.

VERY TRULY YOURS,  
  
ROBERT W. STROZIER

USSN: 09/901 782

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Res. NFOA.

From the desk of...

Sandy

Authorization to Change  
Deposited Here. In last page!

JUN 07 2006

## IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

APPLICANTS: Hardin, Susan, et. al. § ART UNIT NO.: 1633  
SERIAL NO.: 09/901,782 § EXAMINER: SMITH, C.L.  
FILED: 07/09/01 § DOCKET NO.: 00007/01UTL  
§  
TITLE: COMPOSITIONS FOR §  
REAL-TIME SEQUENCE §  
DETERMINATION §

571-273-8300 FACSIMILE NO.	CERTIFICATE OF MAIL BY FACSIMILE TRANSMISSION	7 June 2006 Date of Deposit
I hereby certify that this paper or fee is being deposited with the United States Postal Service Express Mail Post Office to receive service under 37 C.F.R. § 1.10 on the date indicated above and is addressed to the:		
EXAMINER CL SMITH MS AMENDMENT 571 273 8300		7 June 2006 Date of Signature

RESPONSE TO NOTICE OF 28 APRIL 2006 NON-FINAL OFFICE ACTION

Dear Examiner Smith:

This is a response to the 28 April 2006 Notice of Non-Final Office Action.

SUMMARY OF REJECTIONS

Claims 10, 13-18, and 50-55	102(e) - Korlach et al. (US 2006/0078937 A1)
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*Preliminary Statement*

Applicants have been following the Korlach et al prosecution for years and are quite surprised to learn that the provisional document contains absolutely no disclosure of non-persistent labeled nucleotides, nucleotides labeled on the beta, gamma or terminal phosphate. This fact was discovered when we recently gained access to the Korlach et al. provisional application. Moreover, nothing in the Korlach et al provisional or the upgrade application discloses the use of non-persistent labeled nucleotides in a FRET type process. Applicants are, therefore, antedating the Korlach et al. as it relates to any teaching regarding nucleotides bearing labels on the beta phosphate, gamma phosphate or terminal phosphate in single molecule nucleic acid sequencing.